S.B. CIVIL WRIT PETITION NO.7357/2007
Ram Dayal
vs
ADJ, Deedwana & Ors.

Date of order : 28.11.2007

HON'BLE MR. PRAKASH TATIA, J.

Mr. Manish Shishodia, for the petitioner.
Mr. RS Choudhary, for the respondent.

<><><>

Heard learned counsel for the parties.

The petitioner is aggrieved against the order dated 17.10.2007 by which the first appellate court by non-speaking order dismissed the petitioner's application for grant of injunction submitted in appeal preferred against the order of the trial court refusing injunction.

Since the order dated 17.10.2007 is non-speaking order, it contains no facts, none of the arguments of any of the parties and contains no reason for dismissal of the application, therefore, on this count alone, the order dated 17.10.2007 cannot be sustained.

Learned counsel for the respondent submitted that he has filed reply to the writ petition and further stated that the appellate court may be directed to decide the appeal expeditiously. It is submitted that it is a matter relating to public way and revenue suit is pending, therefore,

the matter requires early hearing.

Argument of learned counsel for the respondent is justified and, therefore, the order dated 17.10.2007 is set aside in view of the reason mentioned above and the trial court is directed to decide the main appeal itself within a period of 60 days from the date of receipt the copy of this order. Meanwhile, both the parties shall maintain status quo with respect to the property in dispute and the appellate court shall decide the appeal on merit uninfluenced from the order passed by this Court of maintaining status quo.

The writ petition of the petitioner is allowed accordingly.

(PRAKASH TATIA), J.

c.p.goyal/-